

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 61042

John Williams
Wanda O. Williams

3224 Doycron Court

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 28, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428 failure to cease illegal parking/storage of unlicensed vehicles; Baltimore County Code (BCC) section 13-7-310, 312, 401, failure to clean the exterior grounds of all trash, junk and debris, failure to cut and maintain grass to a height of 3 inches or less; (BCC) section 35-5-302, failure to repair or remove defective wood fence on residential property zoned DR 5.5 known as 3224 Doycron Court, 21207.

On June 22, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$27,200.00 (twenty seven thousand two hundred dollars).

The Respondents failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 20, 2009 for removal of untagged/inoperative motor vehicles; removal of trash and debris from property; cut and remove tall grass and weeds; repair or remove defective fence. This Citation was issued on June 22, 2009.

B. Photographs in the file show a severely dilapidated white board fence, with several sections lying on the ground. The fence is unsafe and must be repaired or removed.

C. Photographs in the file show a discarded mattress on the porch; used tires stacked next to the fence; and other junk and debris and old furniture in the yard. An old washing machine is outside next to the house. A large pile of old lumber is on the ground and not properly stacked and elevated. These open dump conditions violate prohibitions against accumulation of junk, trash and debris on residential property, and creation of possible harborage for rats.

C. Two untagged vehicles (one large black limousine and one green Chrysler minivan) are parked in the yard. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. BCZR Section 428.1(B). Respondents have violated these limitations and if not properly tagged or removed, the vehicles are subject to removal by Baltimore County at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by August 27, 2009, with the fence removed or repaired; all junk, trash and debris removed; and the two vehicles properly tagged or removed from the property. If the Respondents fail to correct the violations, then the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 6th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer